

REMARKS

The present amendment is in response to the Office Action received July 9, 2004, in which Claims 1 through 7 were rejected. Applicant has thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the reference cited therein. The following remarks are believed to be fully responsive to the Office Action and, when coupled with the amendments made herein, are believed to render all claims at issue patentably distinguishable over the cited references.

Reconsideration and withdrawal of the rejections set forth in the Office Action dated July 9, 2004 are respectfully requested.

Applicant respectfully directs the Examiner's attention to a co-pending commonly assigned application. Applicant would like to incorporate by reference and cross-reference U.S. patent application Serial No. 10/014,010, entitled "Means for compensating rear sound effect," filed on December 10, 2001 ("Cross-referenced Application"). The Cross-referenced Application illustrates some embodiments of a "headphone-like or earphone-like device." In Figs. 2A-2B of the Cross-referenced Application, two kinds of "headphone-like or earphone-like device" are presented. Each of them has "an opening for receiving a front speaker signal," and therefore these two drawings are able to show this feature of Claim 1.

I. Claim Rejections – 35 U.S.C. § 112

By this amendment, in Claim 1, "the rear side bass" is corrected to "rear side basses," and "the signal under transmitting to rear speakers" is corrected to "the rear signals transmitted to rear speakers".

The "headphone-like or earphone-like device" cited in claims 1 and 3 is considered indefinite by the examiner. According to Figs. 2A and 2B of the Cross-referenced Application, it is clear that the "headphone-like or earphone-like device" is construed as a device that looks like a headphone or an earphone with some differences in its structure, and the wearing and using way of the "headphone-like or earphone-like device" may be the same as that of the ordinary headphone or earphone. The major difference is the "headphone-like or earphone-like device" could let a user

receive sounds from other speakers because the “headphone-like or earphone-like device” has an “opening” (claim 1), or because the “headphone-like or earphone-like device” does cover the whole ear (claim 3). Thus, the applicant believes that the definition of the “headphone-like or earphone-like device” is clear under above explanation.

II. Claim Rejections - 35 U.S.C. § 102

The Examiner rejected Claim 1, 3-6 under 35 U.S.C §102(b) as being anticipated by Scofield et al., U.S. Patent No. 6,144,747 (herein, Scofield). Scofield discloses a head mounted surround sound system comprising left and right speakers such that the speakers are fixed relative to the ear of the listener and slightly forward of the ears and adjacent the head. In the head mounted surround sound system, the left and right speakers disclosed by Scofield have to be mounted on other devices, such as 3D glasses. However, the “headphone-like or earphone-like device” in claim 1 can operate independently, that is, users merely wear the “headphone-like or earphone-like device” to receive the rear, front and sub-woofer signals simultaneously. Moreover, the speakers disclosed by Scofield are placed near the ears in order to let the front signals be received by the user’s ears. In contrast, in the present invention, the user receives the front or other signals by providing “openings for receiving a front speaker signal” in claim 1. Consequently, Scofield fails to teach the “headphone-like or earphone-like device” in claim 1. Furthermore, there is no teaching in Scofield that anticipates the headphone-like or earphone-like device having “an opening for receiving a front speaker signal”.

Similarly, after the careful review of the Applicant, it is found that Scofield also fails to teach the “headphone-like or earphone-like device” limitation in claim 3. The “headphone-like or earphone-like device” in claim 3 can operate independently, that is, users may merely wear alone the “headphone-like or earphone-like device” to receive the rear, front and sub-woofer signals simultaneously. Hence, the speakers disclosed by Scofield cannot anticipate the “headphone-like or earphone-like device” in claim 3. Moreover, the speakers disclosed by Scofield are placed near the ears in order to let the front signals be received by the user’s ears, but the present invention make the user receive the front or other signals by “not covering the whole ear for

receiving the sound from front speakers and sub-woofer speaker” in claim 3. Consequently, the speakers disclosed by Scofield are different from the “headphone-like or earphone-like device” in claim 3.

Referred to Figs. 2A and 2B of the Cross-referenced Application, two embodiments of the “headphone-like or earphone-like device” are presented. As we can see, the present invention provides innovative structures to create virtual speakers from the rear side without losing rear side bass. The system disclosed by Scofield fails to disclose these advantages and features, and the present invention has certain functions which are not provided in Scofield. Accordingly, claims 1 and 3 are not anticipated by Scofield.

The citation also fails to disclose a wireless signal emitter coupled to said means for generating head-related transfer function to transmit signal as claimed in claim 6. Similarly, the cited prior art did not disclose the elements or limitations set in the claims 4-6. Since claims 4-6 depend on claim 3, they should be patentable upon the patentability of claim 3.

Reconsideration and withdrawal of the rejections under 102 set forth in the Office Action are respectfully requested.

III. Claim Rejections - 35 U.S.C. § 103

The Examiner rejected Claim 2 and 7 under 35 U.S.C §103(a) as being unpatentable over Scofield et al., U.S. Patent No. 6,144,747 (herein, Scofield). Applicant respectfully traverses this rejection.

Since claims 2 and 7 respectively depend on claims 1 and 3, claims 2 and 7 both comprise the limitation of “headphone-like or earphone-like device.” As described above, Scofield fails to teach the “headphone-like or earphone-like device.” No motivation can be found in the cited arts to suggest the combination of “headphone-like or earphone-like device.” and the head-related transfer function or the time delay relating limitation. The combination result can not be expected by the two cited arts. Especially, there is no any discussion on the limitation of the “headphone-like or earphone-like device.” Therefore, the one of the ordinary skill can not develop the claimed

invention without the sight of the "headphone-like or earphone-like device." Therefore, claims 2 and 7 overcome the rejection of 103.

IV. Conclusion

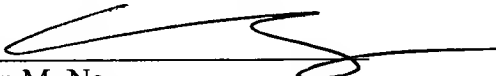
In view of the foregoing, claims 1-7 pending in the application comply with the requirements of patentability define over the applied art. A Notice of Allowance is, therefore, respectfully requested.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 386998014US from which the undersigned is authorized to draw.

Dated:

9/30/08

Respectfully submitted,

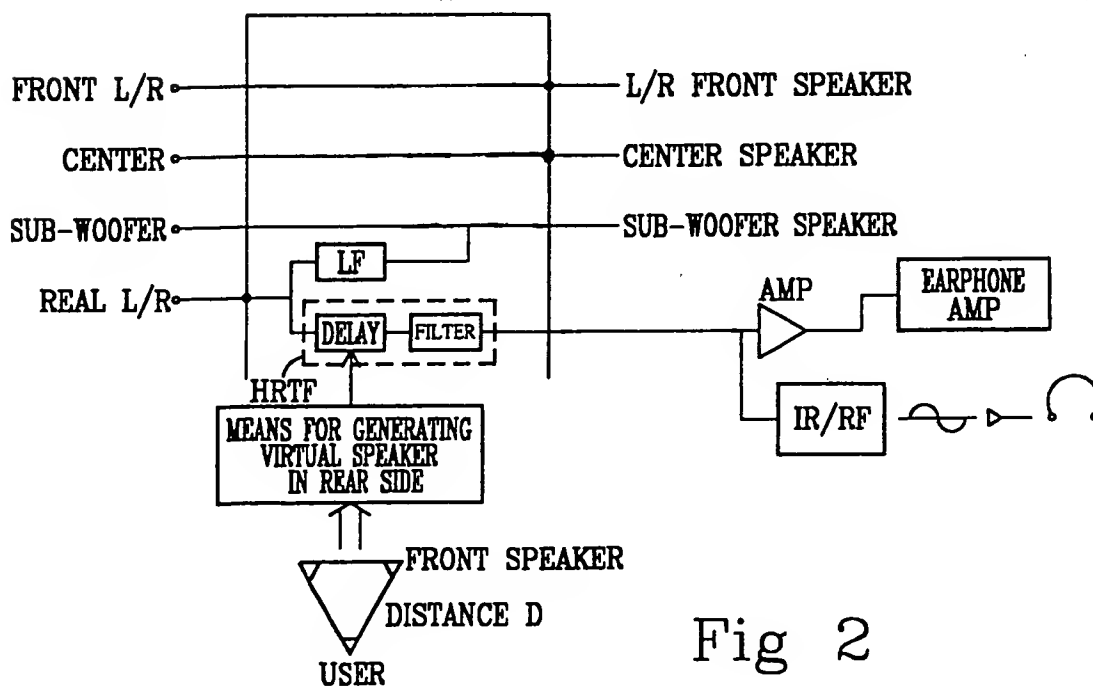
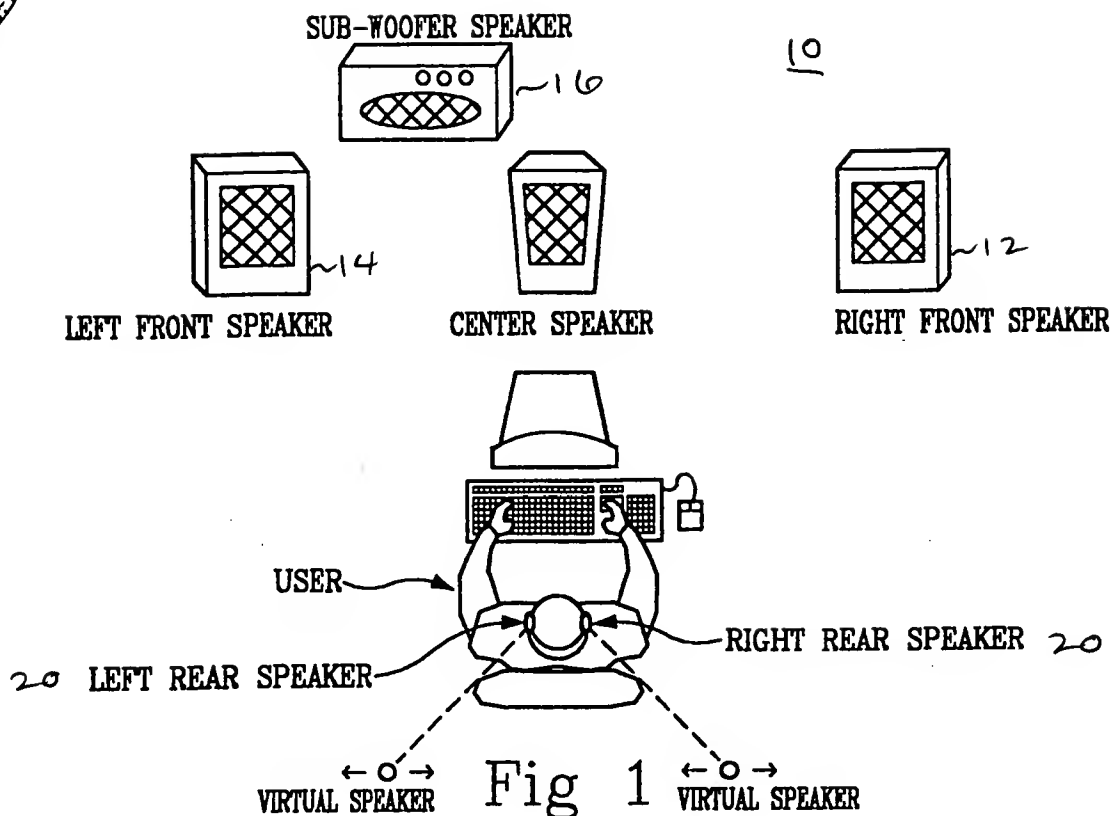
By 
Chun M. Ng

Registration No.: 36,878
PERKINS COIE LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-8000
(206) 359-7198 (Fax)
Attorneys for Applicant

Attachments



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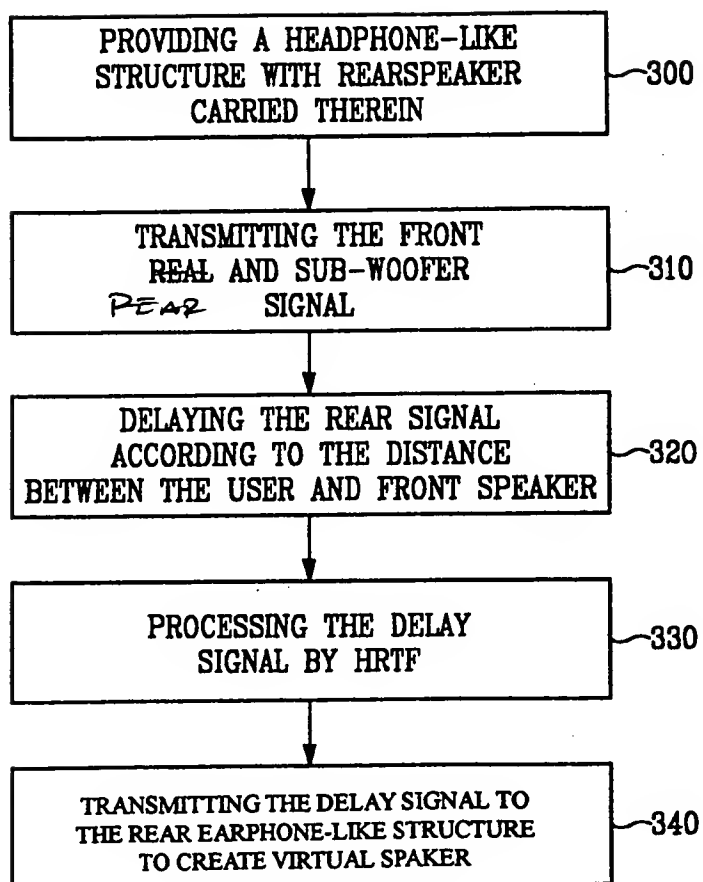


Fig 3